

# EXHIBIT 10

March 15, 2012

The Honorable Liam O'Grady  
U.S. District Court  
401 Courthouse Square  
Alexandria, VA 22314

Dear Judge O'Grady:

Kashmir is the essence of my soul. While now a proud American and aware that I cannot truly return to my childhood home, Kashmir is where I grew up and is, accordingly, an essential factor in who I am as a person and as an adult. As a young boy growing up in Kashmir, my burning desire and that of my schoolmates, friends and family, was for Kashmir to be free from alien occupation.

While American youth grow up idolizing their favorite football stars or Hollywood heroes and yearning for the latest technological innovation, it is no surprise that by the time Kashmiri youth go to college, their most driving passion is the passion for freedom and independence, a passion that has become the very bread and butter of their lives. This by now deeply embedded culture of resistance is a call of conscience and duty that is laid upon every child of Kashmir from the time that they are born until they die, firmly planted in the minds of every man, woman and child and every succeeding generation since the formal acknowledgement of this country's distinct identity more than 65 years ago. The word *freedom* and independence are more common on the lips of Kashmiri youth than the word *iPhone* is on American college campuses today.

Liberty, dignity and freedom pulsate in the breasts of the people of Kashmir. That innate craving for justice is no different from the people of other countries, like East Timor, Darfur or Syria. All the brutalities and suffering inflicted upon the people of Kashmir by alien powers have proven impotent in seeking to extinguish that popular demand.

I wish that I could tell you details of some happy memories but I want to tell you a bagful of sorrows and with a vista that has seen nothing but miseries and depravation.

Since January 1989, close to 80,000 people have been killed in Kashmir (Daily Guardian, London, August 13, 2010). There are nearly 700,000 Indian soldiers in Kashmir (Guardian, August 13, 2010). This is the largest army concentration anywhere in the world. By comparison, the U.S. currently has less than 100,000 troops in Afghanistan, a country six times the size of Kashmir. In April 2007, the Economist magazine reported that an average of three people were being killed every day in Kashmir, or roughly 1,000 per year. Many thousands have simply disappeared without a trace. The United States, Department of State in its Country report on Human Rights which was issued on April 8, 2011 said that 8,000 to 10,000 people have disappeared in Kashmir.

The people of Kashmir continue to suffer greatly. I have personally witnessed in 1970's that students who raised the voice against the occupation were either beaten or detained

for months and at times for years without any trial. There were thousands of political prisoners detained by the Government of India merely asking for the implementation of the United Nations Security Council resolutions on Kashmir.

My own passion for the plight of Kashmir is clearly nothing unique. As a child of Kashmir, born and raised in this environment myself, I am just one of the hundreds of thousands of youth who, through no fault or choice of their own, have become directly or indirectly involved and deeply and passionately motivated to do something positive for their country, however insignificant in the context of global affairs, to make a difference. I believe that a country can be destroyed but a nation cannot be defeated.

Our demand for independence from the tyranny is the song in our heart, the poetry on our lips, and the vision that solidly unites us. It is the bedrock of our determination to continue unrelentingly to seek justice and truth for the people of Kashmir, despite our seeming powerlessness in the face of this occupation. Our hope is in our unity, in our love for one another as a people and as a nation. Our history as a people has a unique cultural identity regardless of race, religion or creed. And our lasting belief is that we cannot be denied our birth right to self-determination. *Self determination which was guaranteed to the people of Kashmir by the United Nations Security Council under the instructions of then the President of the United States, President Harry Truman.* The United States along with Great Britain and France became the co-sponsors of the resolution # 47 which was adopted by the UN Security Council on April 21, 1948. This resolution gave the people of Kashmir the right to decide the fate of their land.

While not old enough to vote at the time, I thought this process would lead to a free Kashmir. I was wrong, and 65 years later Kashmir still lives under the yoke of oppression. Even so, it is important to recognize that the United Nations as well as the United States continue to address Kashmir as a disputed territory and not part of either India or Pakistan.

In 1980, an important event took place that touched my life in a very personal way. It has had the historic significance, not only in having an impact in a very real way upon my own survival and the personal vision I came to adopt for the rest of my life, but how it came to shape the very destiny of Kashmir itself.

I was in my early 30s then with a driving zeal, as is in every young man's heart in Kashmir. We all wanted to make a significant impact somewhere and somehow on life's stage. At this particular time, I had been placed in charge of the international section of a major conference being held in the capital of Kashmir, Srinagar. I was successful in inviting speakers of international stature whose presence energized and internationalized the issue of Kashmir on the right of self-determination.

The main conference was attended by tens of thousands of people who came to listen to the international dignitaries. It was then that the greatest moment of my role in the conference was realized, *to adopt a resolution calling for the implementation of the United Nations Security Council resolution # 47.* The conference resolution was

unanimously adopted by a show of hands. This was accomplished without a single window being broken, or a single stone being thrown but in an environment of peace and tranquility, in the presence of thousands who were able to express on that day that the voice of the people of Kashmir was unified and firm in expressing their resolve for Kashmiri people's right to self-determination.

This was a momentous occasion in the history of Kashmir. To call for the implementation of United Nations Security Council resolutions on Kashmir is even now considered a crime by the government of India. Then, however, the presence of the international dignitaries and their participation prevented officials from enforcing the law, at least through direct intervention. It was a day that would forever seal my fate in Kashmir as a man whose deep affection for his own country would become common knowledge and a man perhaps most loathed on that particular day by the government of India.

A few days later, after the departure of guests, the state Administration discussed the impact of the visit of the international dignitaries on Kashmir where tens of thousands of people were able to listen to their speeches in many cities and where the United Nations resolutions, which were considered seditious and illegal to even mention, were declared as legitimate. I was blamed for this evolutionary revolution in the consciousness of Kashmiris by raising the topic of the United Nations Security in every speech and the hope now more instilled that we would one day see independence of Kashmir. The senior staff in the office of the chief minister wanted to have a word with me.

Next day, I left India, knowing that I was for the foreseeable future to live in exile, honored by my countrymen, condemned to a fate that I must either embrace or die from the sheer weight of it. As it had then become clear to me, Kashmir was my friend, my lover, my country, my honor, and my dignity, and my only dream or hope of any future at all. I was not about to forsake it.

In the time since I left Kashmir, I have always worked for its freedom, justice and democratic values. When I reached the United States in 1981, I was extremely overjoyed to discover that its official policy conformed to the wishes and aspirations of the people of Kashmir. American presidents from the Truman Administration to the current Administration of President Obama have all been public and forthright about the need to resolve the Kashmir crisis according to the wishes of all parties involved, including the Kashmiri people themselves.

***I was honored to receive a letter from President Bill Clinton on December 27, 1993 saying that "I share your belief that, in order to face the dilemmas of a post-Cold War global landscape, we all must look closely at our policies with regard to human rights. I am confident that we can bring about changes that are consistent with what the U.N. founders envisioned. I look forward to working with you and others to help bring peace in Kashmir and I appreciate your input."***

It was most gratifying for Kashmiri American community when President George W. Bush said on February 22, 2006 that the United States supports a solution of Kashmir dispute acceptable not only to India and Pakistan but also to "citizens of Kashmir."

It was equally satisfying for us when President Barack Obama said on October 30, 2008, "We should probably try to facilitate a better understanding between Pakistan and India and try to resolve the Kashmir crisis so that they can stay focused not on India, but on the situation with those militants."

It was in 1989 that the new phase of freedom struggle was initiated by the people of Kashmir. The scale of the popular backing for Kashmiri resistance can be judged from the established fact that virtually all the citizenry of the Capital city of Kashmir - men, women and children - came out multiple times on the streets to lodge a non-violent protest against the continuance of Indian occupation to the office of the United Nations in Srinagar. The fact that they presented petitions to the office of the United Nations shows the essentially peaceful nature of the aims of the uprising and its trust in justice under international law. At times the number of people in these peaceful processions exceeded 1 million. India has tried to portray the uprising as the work of terrorists or fanatics. Terrorists do not compose an entire population, including women and children; fanatics do not look to the United Nations to achieve pacific and rational settlement.

In response to this peaceful struggle in Kashmir, the Kashmiri Americans became active in the United States to urge the US Administration to help resolve the issue of Kashmir. Then in 1990, we joined together to established the Kashmiri American Council (KAC) with the same purpose. Our program has included public events, academic conferences and a constant attempt to have the parties to the conflict meet, discuss and plan strategy without any pre-conditions.

The eleven International Kashmir Conferences which I organized in Washington, D.C. were meant to create an atmosphere for dialogue among the participants with varied opinions from India, Pakistan and Kashmir. I tried to bridge gaps in understanding while at the same time to promote harmony and peace between India and Kashmir. I invited **Dileep Padgaonkar**, currently the chairman of the Jammu and Kashmir interlocutor's team appointed by **Prime Minister of India Dr. Manmohan Singh**. Upon his return to India, he wrote an article in the 'Times of India' on March 12, 2005, "The talk inside and especially outside the conference hall focused on the need to adopt what Dr. Ghulam Nabi Fai, Executive Director of KAC, called a 'pragmatic, realistic and tangible strategy' to resolve the vexed issue."

Ms. **Harinder Baweija**, Editor 'Tehelka' Magazine in India, after attending our conference wrote an article on August 15, 2009, "Dr. Fai's opening remarks at the two-day conference in Washington were fairly innocuous and accurate: The meeting, Fai said, was to achieve the Kashmiris' aims in the spirit of reconciliation not confrontation, through equality, not discrimination, and with hope not despair."

I have always tried to represent the sentiments of the people of Kashmir, irrespective of their religious background and cultural affiliations. Sometimes it meant to state the hard facts which people in the halls of power in New Delhi or Islamabad might not always find agreeable. This fact can be understood from an article which was published in 'Washington Times' on January 18, 2004. I wrote, "Finding a solution to the stalemate over self-determination in Kashmir, however, is vastly more complex than articulating the problem. Some in India profit from Kashmir's tumults. They appeal to extreme Hindu nationalists who insist on Muslim inferiority and envision India as an expanding sun in the South Asian universe. Likewise, some in Pakistan gain by keeping Kashmir unresolved. It distracts attention from Pakistan's enormous domestic faults, and provides indigenous militants with an outlet unthreatening to [its own] government."

I also wrote an article in 'Boston Globe' on January 5, 2002, "There are suggestions in some quarters that the United Nations should broker a deal on Kashmir between India and Pakistan. Kashmiris wish to stress that their land is not real estate that can be parceled out between two [non-resident] disputants but the home of nation with a history far more compact and coherent than India's and far longer than Pakistan's. No settlement of their status will hold unless it is explicitly based on the principles of self-determination and erases the so-called line of control, which is in reality the line of conflict. "

My approach has been consistent and there was absolutely no reason for me to do otherwise, and that is to inform the United States that India and Pakistan by themselves are not able to resolve the issue of Kashmir. They have tried over decades but failed. It needs the engagement of the United States with both these neighboring countries.

I realized as early as in 1990's that the most important constituency to address was India itself. The Indian public did not know the facts on the ground in Kashmir. A great deal of work was needed in this area to bring about any change in the attitudes of those who determine policy in New Delhi. It was then that I started exploring the possibility of opening the channels of communication with people of importance from New Delhi.

I met with a three-man delegation in Washington, D.C. in December 1993 which was sent by then the prime minister of India, **P. V. Narasimha Rao**. The delegation was headed by former Cabinet Minister Mohammad Yunus Saleem. During the two-day meeting a lot was discussed from militancy to the political leadership and the role of Kashmiri diaspora. And there was an understanding from both sides that this initiative could be pursued for the sake of peace in the region of South Asia.

In 1994, I met with former Interior Minister of India, Mr. **Sabodh Kant Sahai**, who was also sent by Prime Minister Rao to explore ways and means to bring peace to resolve the conflict of Kashmir. This meeting was in Washington, which lasted for 3 to 4 hours. The next meeting took place in New York City the following week which also lasted for four to five hours.

I also had more than a dozen meetings with the emissaries of the Government of India, including Cabinet ministers, diplomats and politicians between 1994 to 2009.

In late 2009, Mr. Sahai came to Washington as a member of the Cabinet of Prime Minister Manmohan Singh and called me on the telephone to meet at the Embassy of India. We discussed the issue of peace process between India & Pakistan; the Kashmiri leadership, the role of Kashmiri diaspora and many other issues of mutual concern.

I told Mr. Sahai that I am hopeful for a constructive atmosphere for dialogue. I reminded him that it has been a characteristic of the Kashmir problem that, at one point in time, hopeful signs emerge of its being solved and, at the next point, these signs prove wholly deceptive. Therefore, our objective should be not to answer what is the correct or best solution of the Kashmir problem but how that solution can be arrived at. In other words, it should by itself neither promote nor preclude any rational settlement of the dispute, be it accession to India or Pakistan or independence.

Meeting with Indian officials was fundamental to my strategy to find the means by which we, as Kashmiri Americans could contribute to peace in that part of the world and in resolving the crisis of Kashmir. Therefore, during the past eleven years, I have met with four different officials at the Indian embassy who succeeded each other periodically and introduced me to the new incoming official before leaving for a new post. An interesting call and a voicemail from an Indian official (who shall remain anonymous) called me either on July 18 or July 19, 2011, the day I was arrested. He left a voicemail that we must meet, which I heard ten days later after my release. I intended to save that voicemail but for reasons unknown to me it was deleted.

***No words can possibly describe my remorse for choosing actions that have undermined the Kashmiri people in their legitimate quest for the freedom promised to them. No words can possibly describe my remorse for what I have done to my family and friends in the United States. I am very regretful for my actions since I have destroyed any credibility that I once had. My actions have proved hurtful not only to me as a person but to the cause of my people as well. It is now beyond doubt that it was not a politically wise decision. It caused the doubts among our sympathizers about our autonomy.***

The reason for going astray of US law was that I was passionate about freedom for the Kashmiri people. Since the cause was sacred and I needed financial resources, I was willing to take funds as long as there were no strings attached to them. The financial dire straits compelled me to accept funds from any source that was willing to contribute.

I was frightened of the disclosure that foreign monies were funding our initiatives. If it were to become public knowledge, it would devastate my credibility. Understandably, people in positions of leadership often need to refrain from disclosure of sensitive information that may undermine a perceived just cause. No matter how firm the belief in transparency, perceptions of impropriety have a lasting impact on a movement. It is for that reason that our own country, at times, conceals its rightful and just support for democratic organizations. The best example is that of Green Revolution (GR) which started soon after the election in Iran in 2009, was supported by the United States. But the leadership of GR did not want to be seen as playing into the hands of the United States.

They thought that they will lose the credibility before the Iranian people. Nevertheless, that was no excuse for me to follow the wrong path.

Now, I recognize that one cannot engage in a just cause through trickery. The road to freedom is long and arduous, yet, there are no shortcuts. If I had maintained a smaller, less financially robust organization, it may have taken longer to achieve certain objectives, but when accomplished would have left a lasting legacy. Such is the power of candidness. *Realizing the damage my actions have caused to the Kashmir issue, I am confident that I will not repeat these grave mistakes again.*

I hope to continue to forward the cause of the Kashmiri people and will only do so within the rules of US laws. If given the chance, we will restructure our programs so that they are within the constraints of the funds we can raise from Kashmiri Americans and other individuals who may legally donate to private non-profit organizations. The Kashmiri diaspora have the resources to fund such activities. I will strive my best with the limited resources from the Kashmiri American community to seek a society in Kashmir which is based on meritocracy and inclusiveness. It will be a pluralistic society in the real sense of the term. I will also make sure that efforts are directed towards a peace plan which will be justifiable on purely secular grounds.

What is needed is a negotiated settlement worked out among all the concerned parties – India, Pakistan and the Kashmiri leadership – the lines of a negotiated settlement based objectively on justice. I do not envision a final outcome which will be complete victory or defeat for either India or Pakistan or the people of Kashmir.

*Finally, I will commit myself to community and public service to serve the people and pay back to the society.* I will also organize academic forums and symposia wherein all shades of opinion, India, Pakistan and Kashmir will be invited to pave the way for peace not only in Kashmir but also in the region of South Asia.

Thank you for the opportunity to present this communication.

Very truly yours,



Syed Ghulam Nabi Fai

[REDACTED] Fairfax, VA – [REDACTED]